

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF TENNESSEE
AT GREENEVILLE

UNITED STATES OF AMERICA)
)
v.) No. 2:08-CR-016
)
GARY MOORE)

MEMORANDUM AND ORDER

This criminal case is before the court on the defendant's motion for a continuance of his March 9, 2011 trial date [doc. 200]. Therein, the defendant argues that his counsel needs additional time to prepare for trial "given the voluminous discovery and the two-year history of this matter."¹ Current defense counsel was appointed less than one month ago. Counsel for the government is not opposed to the requested continuance.

The court finds the motion well taken, and it will be granted. The court finds that the ends of justice served by granting the motion outweigh the best interests of the public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A). In light of the reasoning set forth by the defendant, the court finds that the failure to grant his motion would deny his attorney the reasonable time necessary for effective trial preparation. 18 U.S.C. § 3161(h)(7)(B)(iv). The defendant's motion requires a delay in the proceedings.

¹ This 2008 case was delayed for twenty months by the United States' interlocutory appeal of the court's order granting the defendant's motion to suppress.

Therefore, all the time from the filing of the defendant's motion to the new trial date is excludable as provided by the Speedy Trial Act. 18 U.S.C. § 3161(h)(7)(A).

It is hereby **ORDERED** that the defendant's motion [doc. 200] is **GRANTED**, and this criminal case is **CONTINUED** to Wednesday, **May 4, 2011, at 9:00 a.m.** The new plea cutoff and motion filing date is April 20, 2011.

ENTER:

s/ Leon Jordan
United States District Judge